

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

EZRA SMITH,)
)
Plaintiff,) CIVIL ACTION FILE NO.
) 1:24-cv-05158-TWT
v.)
)
DEPUTY MONIQUE TRACEY,)
DEPUTY RAUL GOMEZ, DEPUTY)
SHENEQUA JACKSON, and ERICA)
SANCHEZ,)
)
Defendants.)

**DEFENDANT ERICA SANCHEZ'S
MOTION FOR STAY**

Defendant Erica Sanchez (“Defendant Sanchez”) requests that the Court stay all procedures and requirements of Fed. R. Civ. P. 26 and N.D. Ga. Local Rule 26.1 pending the Court’s ruling on the Defendant Sanchez’s Motion to Dismiss. In support of this Motion, she shows the following:

1. On November 11, 2024, Plaintiff filed his Complaint. Doc. 1.
2. On December 27, 2024, Defendants Tracey, Jackson, and Gomez filed their waivers of service. Doc. 3, 4, & 5, respectively.
3. On February 19, 2025, Defendant Sanchez timely filed her Motion to Dismiss (Doc. 11), Brief in Support of Motion to Dismiss, (Doc. 11-1), Initial Disclosures (Doc. 13), and Certificate of Interested Persons (Doc. 14).

4. On February 21, 2025, Defendants Gomez and Jackson filed their joint Answer and Defenses to Plaintiff's Complaint. (Doc. 16).
5. On February 21, 2025, Defendant Tracey filed her Answer and Defenses. Doc. 17).
6. On March 5, 2025, Plaintiff filed his Brief in Opposition to Motion to Dismiss. (Doc. 20).
7. On March 19, 2025, Defendant Sanchez filed her Reply Brief in Support of Motion to Dismiss.
8. If the Court grants Defendant Sanchez's motions to dismiss, it will dismiss the entire case against her and eliminate the need for discovery as to her and her claims. If the stay is not granted for the entire case, Defendant Sanchez would be required to participate in ongoing discovery to avoid the expense and inefficiency of duplicative actions. Therefore, the requested stay will promote judicial economy and efficiency by preventing costly discovery that could potentially be unnecessary.
9. This Court has broad discretion to stay discovery until it resolves these motions. *See Chudasma v. Mazda Motor Corp.*, 123 F.3d 1353, 1367-68 (11th Cir. 1997). Courts within the Eleventh Circuit routinely find good cause to stay discovery where there is a pending motion to dismiss. *See Habib v. Bank of Am. Corp.*, No. 1:10-cv-04079-SCJ-RGV, 2011 WL 2580971, at *6 n.4

(N.D. Ga. Mar. 15, 2011) (“[T]here is good cause to stay discovery obligations until the District Judge rules on the [the defendant’s] motion to dismiss to avoid undue expense to both parties.”); *Berry v. Canady*, No. 2:09-cv-765-FtM-29SPC, 2011 WL 806230, at *1 (M.D. Fla. Mar. 2, 2011) (quoting *Moore v. Potter*, 141 F. App’x 803, 807 (11th Cir. 2005) (“[N]either the parties nor the court have any need for discovery before the court rules on the motion [to dismiss].”)).

10. The Parties do not seek this stay for delay or any improper purpose. Therefore, for the efficiency of the parties and the Court, Defendant Sanchez respectfully requests that all Rule 26 and N.D. Ga. L.R. 26 deadlines run from the time of the Court’s last ruling on Defendants’ pending motions to dismiss.
11. Defendants Tracey, Gomez, and Jackson do not oppose Defendant Sanchez’s Motion for Stay.
12. A proposed order is attached for the Court’s convenience.

Respectfully submitted this 19th day of March, 2025.

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CERTIFICATE OF SERVICE

The undersigned counsel certifies that the foregoing DEFENDANT ERICA SANCHEZ'S MOTION FOR STAY was electronically filed using the CM/ECF system which will automatically send e-mail notification of such filing to all attorneys of record.

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Respectfully submitted this 19th day of March, 2025.

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